

REMARKS

Prior to entry of this amendment, claims 1-10 are currently pending in the subject application. By the instant amendment, claims 5-10 are canceled, without prejudice, as claims 5-10 are directed to a non-elected group. Applicants, of course, reserve the right to file and prosecute the subject matter of these canceled claims in one or more divisional applications. New claims 11-14 are added to more particularly claim the subject matter of the present invention. No new matter is added by the instant amendment, as support for the new claims may be found in the specification and drawing figures, e.g., FIGS. 5-7, as originally filed.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's acceptance of the drawings filed on October 24, 2003.

Claims 1-4 and 11-14 are presented to the Examiner for further prosecution on the merits.

A. Introduction

In the outstanding Office action, the Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/682,961, and rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. 1 174 268 A1 to Lee et al. ("the Lee et al. reference").

B. Asserted Provisional Obviousness-Type Double Patenting Rejection

In the outstanding Office action, the Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 10/682,961 ("the '961 application"), stating:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in both [the] instant application and the copending application claiming the same subject matter of an inkjet printhead as shown in the following Comparison Table.

Office action of May 27, 2004, at p. 3. The Examiner then reproduces claim 1 of the instant application and claim 1 of the '961 application in tabular form. This provisional obviousness-type double patenting rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that claim 1 of the instant application and claim 1 of the '961 application are patentably distinct. In particular, claim 1 of the instant application recites "an ink passage in communication with the ink chamber and the manifold is formed parallel to the front surface of the substrate." This feature is absent from claim 1 of the '961 application. Further, claim 1 of the '961 application recites "an impurity filtering layer formed on the rear surface of the substrate between the manifold and the ink channel for filtering impurities in ink flowing into the ink channel from the manifold." This feature is absent from claim 1 of the present application. Thus, each of these respective features is entirely absent from the claim of the other application and renders each of these claims patentably distinct from the other.

Applicants respectfully submit that the two copending applications disclose patentably distinct subject matter and that the patentably distinct subject matter is recited in the independent claims, viz., claim 1 of each application.

Accordingly, reconsideration and withdrawal of the provisional obviousness-type double patenting rejection of claim 1 are respectfully requested.

B. Asserted Anticipation Rejection of Claims 1-3, 5 and 6

In the outstanding Office action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by the Lee et al. reference. This rejection is respectfully traversed for at least the following reasons.

In the outstanding Office action, the Examiner asserted:

Lee et al. discloses in Figures 2-7 an ink jet printhead (3), comprising: a substrate (100) on which an ink chamber (104) to be supplied with ink to be ejected is formed on a front surface of the substrate (100), a manifold (102) for supplying ink to the ink chamber on a rear surface thereof, and an ink channel (106) in communication with the ink chamber and the manifold; a nozzle plate (110) formed on the front surface of the substrate; a nozzle (160) formed through the nozzle plate at a position corresponding to a central part of the ink chamber; a heater (120) formed on the nozzle plate (110), the heater (120) being formed around the nozzle (160); and an electrode (140) electrically connected to the heater for applying current to the heater; wherein the ink chamber (104), the manifold (102), and the ink passage (106) are formed by an etch method (Figure 15, column 9, lines 17-20 and lines 52-58); the ink passage (106) is formed on a same plane as the ink chamber (104), and comprises an ink channel (106) in communication with the ink chamber (104) and a feed hole (not shown in Figures but is known as the ink supply means) in communication with the ink channel and the manifold.

Office action of May 27, 2004, at p. 5.

Applicants respectfully note that the Examiner does not assert that the Lee et al. reference discloses “an ink passage in communication with the ink chamber and the manifold is *formed parallel to the front surface of the substrate*,” as presently recited in claim 1. Applicants respectfully submit that the Lee et al. reference fails to disclose or suggest an ink passage formed in that fashion.

Further, the Examiner notes that a feed hole is not shown in the figures of the Lee et al. reference but submits that it is known as the ink supply means. Applicants respectfully traverse this assertion. Specifically, the Lee et al. reference does not include a feed hole, as disclosed and claimed in the instant application. The ink supply means of the Lee et al. reference is exclusively the ink channel 106 that provides flow communication between the manifold 102 and the ink chamber 104.

The Lee et al. reference fails to disclose or suggest an “ink passage in communication with the ink chamber and the manifold [being] formed parallel to the front surface of the substrate,” as recited in independent claim 1. In the Lee et al. reference, the ink passage is below the ink chamber. More specifically, the ink passage is disposed between the manifold and the ink chamber, and is formed perpendicular to the front surface of the substrate.

To put it another way, ink flowing through the ink passage in the present invention flows in a direction parallel to the front surface of the substrate. On the contrary, ink flowing through the ink passage in the Lee et al. reference flows in a direction perpendicular to the front surface of the substrate.

In view of the above distinctions between the subject invention as presently claimed and the Lee et al. reference, claim 1 is believed to be in condition for allowance, and a notice to such effect is respectfully requested.

In addition, the remaining claims, viz., claims 2-4, depend directly from claim 1, and, as such, claims 2-4 are believed to be similarly allowable as depending from an allowable base claim.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-4 are respectfully requested.

C. New Claims

By the instant amendment, new claims 11-14 are added. No new matter is added by this amendment as the subject matter recited in the claims is disclosed in the specification and figures, e.g., FIGS. 5-7, as originally filed.

Claims 11-14 depend, either directly or indirectly, from claim 1, and, as such, claims 11-14 are believed to be similarly allowable as depending from an allowable base claim.

D. Conclusion

Since the cited prior art references neither anticipate nor render obvious the subject invention as presently claimed, applicants respectfully submit that claims 1-4 and 11-14 are now in condition for allowance, and notice to that effect is respectfully requested.

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & STERBA, P.C.

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying papers may also be charged to Deposit Account No. 50-1645.